

## **Goals and Planning for the Douglas AMA: An Open Letter to ADWR Bisbee Observer (2 February 2023)**

*Following the November vote to amend the state's groundwater law by establishing a Douglas Basin Active Management Area (AMA) to replace the basin's forty-year old Irrigation Non-Expansion Area (INA) plan, the Arizona Department of Water Resources (ADWR) began the process of writing the rules for large-scale irrigation in the basin. The following letter was submitted to ADWR as part of the agency's public comment program. Information about the Douglas AMA can be found on ADWR's website at <https://new.azwater.gov/ama/douglas-ama>.*

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I am a 50+ year resident of the Douglas Basin. My forty acres, exempt well and small, non-commercial orchard and greenhouses are within the now-superseded INA.

Though I moved here to enjoy the amenities of the rural lifestyle, I have been sensitive to the severe degradation of the Sulphur Springs Valley's natural high desert environment caused largely by over a hundred years of inadequately regulated farming and ranching. In particular, I have been dismayed at the rapid depletion of the Willcox Basin aquifer in the northern end of the valley and the dropping water table here in the Douglas Basin (a condition that, when the INA was first proposed, was predicted by many who observed that the already-apparent depletion might be slowed down but would not be stopped if the same unlimited pumping was allowed to continue).

Consequently, I have focused my own small operation on conservation of water, soil and wildlife habitat with a long-term vision of native high desert grassland restoration, and have advocated for adoption of those values in the valley at large. It was with those values in mind that I campaigned for drafting and passing of the AMA ballot measures and now participate in ADWR's development of the AMA's enactment.

The goal of the Douglas AMA should be straightforward: to assure the long-term sustainability of the aquifer for the long-term viability of the rural, small farm and ranch economy and lifestyle.

In other words, the goal must be: no more water out than goes in. "Planned depletion," "slower rate of withdrawal" or other halfway (or greenwash) measures are not acceptable. No more out than in, and planning measures to achieve that goal in as short a time as feasible.

Which is to say, caps on withdrawal from non-exempt wells, especially those of mega operations, must be stringent; a significant number of conservation plans must be put in place in the first planning cycle, not just after 2027; etc.

Two other issues raised at the recent ADWR meeting in Douglas which may be seen more as matters of planning rather than goal-setting are in fact salient to the goal-setting process: 1) the issue of fees, and 2) the issue of criteria for granting of grandfathered water rights. How these

issues are resolved will clearly affect the goal "to assure the long-term sustainability of the aquifer for the long-term viability of the rural, small farm and ranch economy and lifestyle."

The fee structure and criteria for grandfathering eligibility adopted by ADWR must be equitable and not unfairly burden smallholders. The fees mentioned at the recent ADWR meeting in Douglas suggested that they might be so high as to preclude some small farmers from even being able to apply for permits. Rather than a rigid fee schedule, fees should be set on a sliding scale that recognizes differing economic capabilities of small operations and mega corporations.

Similarly, in regard to the grandfathering issue, the criteria for what constitutes "substantial capital investment" must be flexible and equitable, recognizing that unlike large operations, small farmer investment is not always easily accounted for in terms of purchase and tax receipts, but instead may be embedded in non-cash expenditures of time and sweat invested over long periods, not just within the arbitrary five-year cut-off before AMA certification.

Without such provisions for equity and flexibility the goal of sustaining the nature of the Douglas Basin rural community cannot be achieved.

Thanks for your consideration

Sincerely,